

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROSE HOFFMAN, )  
Plaintiff, ) No. 4:13-CV-761 JAR  
v. )  
UNITED STATES OF AMERICA )  
And )  
CITY OF WENTZVILLE, )  
Defendants. )

## **MEMORANDUM AND ORDER**

On July 2, 2013, Defendant City of Wentzville filed a Motion to Dismiss Plaintiff's Complaint (ECF No. 5). On July 9, 2013, Plaintiff filed a 1<sup>ST</sup> Amended Complaint, which is now the operative complaint (ECF No. 8).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant City of Wentzville's Motion to Dismiss Plaintiff's Complaint (ECF. No. 5) is **DENIED** as moot.

Dated this 10<sup>th</sup> day of July, 2013.

John A. Ross  
**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**